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09/994,554	11/27/2001	Kenneth S. Bloom	17724 USA	8757
76254	7590	12/18/2009	EXAMINER	
REISING, ETHINGTON, BARNES, KISSELLE, P.C. P.O. BOX 4390 TROY, MI 48099-4390			HYLTON, ROBIN ANNETTE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DETAILED ACTION

1. Prosecution on the merits of this application is reopened on newly amended claims 16, 38, 59, and 60 considered unpatentable for the reasons indicated below: upon reconsideration of the prior art of record, the previously indicated allowable claims 9, 10, 21, 34-36, 43, and 44 are not seen to be allowable. An action on the merits follows.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 4-8, 10, 13-20, 35-42, 44, 59, 60, 64, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano (US 5,984,124) in view of McBride et al. (US 6,761,275) and Kawchitch (US 3,433,380).

Takano teaches the claimed closure and container except for the resilient liner molded onto the disk **9**. See column 3, lines 19-21 regarding the plastic material. See figure 6 depicting the protrusion **14** extending around a peripheral portion of the flat disk.

McBride teaches it is known to mold a resilient liner **40** onto a disk **30**, wherein the liner sealing material enhances the sealing effect of the liner disc with the bottle neck (Col. 1, lines 56-65).

Kawchitch teaches it is known to provide a closure disc with an annular rib **26** around a radially outer edge of said disk base extending away from a base wall for engaging the disc against a radially outer edge of a container finish when said closure is secured to the container finish and a closure shell having a bead **20** extending radially inwardly from said skirt adjacent to but spaced from said base wall, wherein said annular rib has a concave radially outwardly directed surface portion received over said bead. See Fig. 3.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of a resilient liner molded onto the disk for engaging the mouth of an associated container and to provide an annular rib extending from the peripheral edge of the disc having a shape complimentary with the cap shell inner wall bead to provide a more effective and reliable seal between the closure cap and the container.

Regarding the liner as a barrier layer, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the resilient liner of a barrier material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. Doing so maintains the integrity of the container contents against degradation. It is noted that this common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate.

Conclusion

4. This Office action is made non-final in view of the rejection set forth above.
5. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F.R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (571) 272-4540. The examiner can normally be reached daily *except* Wednesday from 9:00 a.m. to 4:00 p.m. (Eastern time). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick, can be reached on (571) 272-4561.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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